

SEAN D. WALLACE
CIRCUIT COURT JUDGE
SEVENTH JUDICIAL CIRCUIT
CHAIR
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LINDA FALLOWFIELD
STAFF
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**CONFERENCE OF CIRCUIT JUDGES
COMMITTEE ON COMPLEX LITIGATION**

MINUTES FROM APRIL 22, 2021
COMMITTEE ON COMPLEX LITIGATION

Time: 4:30 – 6:00 pm

Place: Virtual (Zoom)

Attendees:

Judge Wallace, Chair
Judge Ensor
Judge Kehoe
Judge Pauler

Judge Beckstead
Judge Fletcher-Hill
Judge Mulford
Judge Rubin

Staff:

Gray Barton
Linda Fallowfield

Next Committee Meeting June 24, 2021, 4:30 – 6:00 pm via Zoom

Minutes

Meeting commenced with the Complex Litigation Coordinator reviewing changes to the Business & Technology Case Management Program (BTCMP) website with the Committee including:

- 1) New placement of the BTCMP webpage on the MD Courts Website that facilitates quick location of the webpage
- 2) Updated BTCMP Mediators List
- 3) Updated Welcome Page
- 4) Updated Protocols Page

Coordinator also shared the updated list of designated BTCMP judges per Circuit and informed the Committee that State Court Administrator, Pam Harris, gave preliminary approval for the 2-Day BTCMP Bootcamp in 2022. The approved cost estimate was for \$19,363 for 42 attendees to be held at the Maryland Judicial Center.

Training – The Committee selected April 21-22, 2022, as a tentative date for the 2-Day Bootcamp and directed the Coordinator to begin the planning process. This date was viewed as optimal as it would not conflict with the 2022 Judicial Conference and be sufficiently distant in time from the training conducted by Judge Rubin in October 2022 which is also for B&T judges.

The Coordinator informed the Committee that several out-of-state business court personnel asked if their state business judges could attend the 2-Day Boot Camp in 2022. The Coordinator further explained that she had made contact with approximately 7 state business court personnel to determine what training their states gave their business court judges and discovered the majority of those states do not conduct their own training of business court judges but instead send their judges to the American College of Business Court Judges Annual Meeting in October. A few states also utilize the ABA for training. The Committee was receptive to the idea of out-of-state business court judges attending the 2-day Boot Camp. Judge Rubin indicated that he is agreeable to out-of-state business court judges attending the training in October 2022.

One Committee Member suggested that Maryland Senior Judges be invited to the 2-Day Boot Camp stating that the Senior Judges might be a resource in handling the BTCMP docket. The Committee agreed to invite all Maryland Senior Judges but reserve priority for designated BTCMP Judges.

Formation of Work Groups – Judge Wallace asked for nominations to the Business and Technology (B&T) Work Group, MEDMAL Work Group, and the Opinions Subcommittee.

Judge Ensor nominated Judge Truffer for the B&T Work Group.*
Judge Fletcher-Hill nominated Judge Geller for the B&T Work Group.*
(Judge Rubin and Judge Kehoe had nominated themselves for the B&T Work Group during the February meeting.)

Judge Fletcher-Hill nominated Judge J. Rubin for the MEDMAL Work Group.*
Judge Wallace nominated Judge Killough for the MEDMAL Work Group.*
Judge Beckstead nominated herself to be on MEDMAL Work Group.
Judge Ensor nominated herself to be on the MEDMAL Work Group.

Judge Ensor nominated Judge Truffer for the Opinions Subcommittee. *
Judge Rubin nominated Judge Storm for the Opinions Subcommittee. *
* denotes that the nomination has since been confirmed.

Judge Wallace asked that the nominating Judges confirm by April 30th whether the nominated judge agreed to serve.

Judge Wallace stated that after the Work Groups are fully formed, a date and agenda will be set for the first meeting of the Work Groups. Possible topics for the Business & Technology Work Groups included suggesting a curriculum for the 2-day Bootcamp.

Judge Beckstead asked what the focus of the MEDMAL Work Group will be. Judge Wallace stated that unlike the B&T Work Group, which was mandated to work from the 2019 Recommendations, the MEDMAL Work Group will be free to develop its own criteria and recommendations that would then be considered by the Committee.

Criteria – The Committee focused their discussion around Judge Fletcher-Hill’s revision of the 2019 recommended criteria. The Committee agreed to accept Judge Fletcher-Hill’s revision subject to discussion over the inclusion of consumer class actions and a monetary threshold. Some Committee Members felt that consumer class actions, while possibly complex litigation, didn’t fit within the realm of business and technology classes and would possibly bring in too many cases. After much discussion, Judge Wallace stated that the B&T Judge would always be free to accept a consumer class action case that appeared to fit as a BTCMP case. The Committee then agreed to strike “consumer” from the revised criteria. The Committee also agreed to strike any reference of a monetary threshold including the reference “unusually large amounts of claimed damages” from the revised criteria. The Committee then discussed next steps for the criteria and agreed the MD Rule 16-308 should be revised to include the new criteria. Judge Kehoe stated he would request that this topic be placed on the next meeting of the Conference of Circuit Judges (CCJ) on May 17, 2021.

One Committee Member questioned whether the B&T Work Group should be given a chance to comment on the revision before approval is sought at the CCJ meeting on May 17th. Several Committee Members expressed concerns about possible delays should the revised criteria be sent to the Work Group first. The Committee Members underscored that the proposed rule process is lengthy and would afford the Work Group an opportunity to comment should they feel the need. The Committee then agreed to request approval from the CCJ on May 17th to submit a proposed Rule to the Rules Committee.

Action Items for Chair:

Set date, time, agenda, Chair for Work Groups
Approve Minutes
Approve Report

Due Date

Action Items for the Committee Members:

Confirm nominations to the Work Groups and Subcommittee. April 30, 2021

Action Items for Staff:

Circulate Final Version of Criteria to Committee Members	April 26, 2021
Draft Report for Conference of Circuit Judges (include request for approval of proposed rule)	May 3, 2021
Send out invites for B&T Work Group for first meeting	April 29, 2021
Send out invites for MEDMAL Work Group for first meeting	April 29, 2021
Begin planning April 2022 Bootcamp	May 21, 2021
Send out invite for June 24 th Committee Meeting	May 3, 2021